

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR RODRIGUEZ,

Defendant.

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CRIMINAL NO. A-12-CR 161 SS

FACTUAL BASIS

1. Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

2. On January 7, 2008, in Austin, Texas, the Defendant applied for a business permit through the Texas Comptroller's Office. The business permit pertained to a business known as Joker's Collectibles and Comics. On the permit application the Defendant provided his name and date of birth. Subsequent investigation revealed the Defendant's name with the same date of birth was utilized to open a business account at Wells Fargo Bank for Joker's Collectibles and Comics in the Western District of Texas.

3. On March 20, 2012, federal law enforcement agents reviewed Wells Fargo Bank records for business account 2450708868 established on December 2, 2009 for Joker's Collectibles and Comics by an individual identifying himself as Oscar Rodriguez. At the time of the business account application the Defendant listed his name as Oscar E. Razo Rodriguez and provided a false Social Security number; xxx-xx-3428.

4. As proof of identification, Defendant provided an unidentified form of foreign

identification.

5. Federal law enforcement agents reviewed Social Security Administration records related to the number provided by Defendant which revealed that the Social Security Number was assigned to another individual, Susan Lynn Richardson based on her birth in a different year in the State of Colorado than that provided by Defendant as his birth date in the business application.

6. Federal agents interviewed Ms. Richardson and were informed that she does not know the Defendant and that she never authorized Defendant or anyone to use her Social Security for any purpose, to include opening a business bank account

7. The government was prepared to prove the foregoing by physical evidence, the Defendant(s) own admissions, and testimony of persons with knowledge of the foregoing events.

That, in summary, would be the evidence presented by the United States.

Respectfully submitted,

ROBERT PITMAN
United States Attorney

/s/ Grant Sparks

By:

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2012, a true and correct copy of the foregoing instrument was filed with the Clerk of the Court. In addition, electronic copies of the foregoing instrument were transmitted via electronic mail to the following attorneys and via U.S. Mail.

Mr. Brad Urrutia
Attorney for the Defendant

/s/ Grant Sparks

GRANT SPARKS
Assistant United States Attorney